

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRIS NEESE BLACKMAN,

Plaintiff,

v.

OMAK SCHOOL DISTRICT and
KENNETH ERIK SWANSON,

Defendants.

NO. 2:18-CV-0338-TOR

ORDER DECLINING
SUPPLEMENTAL JURISDICTION
AND ORDER OF DISMISSAL

SUA SPONTE, THE COURT raises the issue of its continuing jurisdiction over the only remaining claim in this case. The Court has reviewed the record and files herein, and is fully informed.

BACKGROUND FACTS

This case concerns Plaintiff's employment as principle of Omak Middle School ("OMS"). In April 2016, Dr. Blackman was hired to serve as principal of OMS, with the position to begin on July 1, 2016. At the end of the 2016-2017 school year, Dr. Swanson evaluated Dr. Blackman's overall performance as

1 Proficient. Dr. Blackman's contract was renewed for the 2017-2018 school year.
2 In January 2017, Dr. Blackman established care with a healthcare provider and
3 discussed the stress she was experiencing at work. Dr. Blackman was diagnosed
4 with depression and anxiety and was prescribed Fluoxetine (Prozac) to treat mental
5 health issues related to workplace stress. By October 2017, Dr. Blackman's
6 healthcare provider increased her medication. Following a November 30, 2017
7 meeting, Plaintiff was placed on administrative leave for the rest of the school year
8 and was paid in full under her contract.

9 The only claim remaining from Plaintiff's Amended Complaint filed June
10 18, 2019, is her disparate treatment claim under the WLAD. ECF No. 16 at 22, ¶¶
11 102 *et seq.* On summary judgment, Defendants contend Plaintiff was never subject
12 to an adverse employment action. ECF No. 28 at 24. However, for the purposes
13 of a WLAD claim, "[a]n adverse employment action involves a change in
14 employment conditions that is more than an inconvenience or alteration of one's
15 job responsibilities, such as reducing an employee's workload and pay." *Alonso v.*
16 *Qwest Comm's Co., LLC*, 178 Wash. App. 734, 746 (2013). Whether an action "is
17 materially adverse depends on the circumstances of the particular case, and 'should
18 be judged from the perspective of a reasonable person in the plaintiff's position.'" *Tyner v. State*, 137 Wash. App. 545, 565 (2007). Accordingly, this Court did not
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grant Defendants summary judgment on this claim. All of Plaintiff's other claims, including every federal claim, have been dismissed. *See* ECF Nos. 66, 96, 101.

DISCUSSION

A. Supplemental Jurisdiction

A federal court has supplemental jurisdiction over pendent state law claims to the extent they are "so related to claims in the action within [the court's] original jurisdiction that they form part of the same case or controversy" 28 U.S.C. § 1367(a). "A state law claim is part of the same case or controversy when it shares a 'common nucleus of operative fact' with the federal claims and the state and federal claims would normally be tried together." *Bahrampour v. Lampert*, 356 F.3d 969, 978 (9th Cir. 2004) (citation omitted). Once the court acquires supplemental jurisdiction over state law claims, § 1367(c) provides that the court may decline to exercise jurisdiction if

(1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c). Indeed, "[i]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors . . . will point toward declining to exercise jurisdiction over the remaining state-law claims." *Carnegie–Mellon Univ.*

1 *v. Cohill*, 484 U.S. 343, 350 n.7 (1988), superseded on other grounds by statute as
2 stated in *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010); *see*
3 *also Acri v. Varian Assocs., Inc.*, 114 F.3d 999, 1001 (9th Cir. 1997) (en banc).

4 Here, the Court declines to retain supplemental jurisdiction for several
5 reasons. First, the Court has determined that Defendants were entitled to summary
6 judgment on Plaintiff's federal claims over which the Court had original
7 jurisdiction, and this triggers the Court's discretion to decline exercising
8 supplemental jurisdiction. 28 U.S.C. § 1367(c)(3); *Ove v. Gwinn*, 264 F.3d 817,
9 826 (9th Cir. 2001) (finding that a district court did not abuse its discretion by
10 declining to exercise supplemental jurisdiction over the remaining state law claims
11 when federal claims were dismissed).

12 Second, because this case is still waiting for the ability to conduct a jury
13 trial, the parties will not be greatly inconvenienced by the Court's decision to
14 decline jurisdiction. If Plaintiff chooses to refile in state court, the parties'
15 completed discovery can easily be utilized in that forum. Further, the period of
16 limitation for Plaintiff's remaining state law claims is tolled for thirty days after the
17 claims are dismissed unless Washington law provides for a longer tolling period.
18 *See* 28 U.S.C. § 1367(d).

1 Third, state court is a particularly appropriate forum in which to address
2 Plaintiff's remaining state law claim under the Washington Law Against
3 Discrimination ("WLAD").

4 The values of judicial economy, convenience to the parties, fairness, and
5 comity would be no more advanced by retaining the case in this Court than by the
6 parties resolving the state law claims in state court.

7 For all of these reasons, the Court declines to exercise supplemental
8 jurisdiction over Plaintiff's remaining state law claim. *See* 28 U.S.C. § 1367(c)(3).

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**


10 1. Plaintiff's state law claim brought under the Washington Law Against
11 Discrimination is **DISMISSED** under 28 U.S.C. § 1367(c)(3), without
12 prejudice.

13 2. All remaining motions, hearings and trial are **VACATED** as moot.

14 The District Court Executive is directed to enter this Order, enter Judgment
15 accordingly, provide copies to counsel, and close the file.

16 **DATED** February 16, 2021.




THOMAS O. RICE
United States District Judge